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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,263	02/21/2002	Christian Moy	770P010693-US (PAR)	9851
2512	7590	08/09/2006	EXAMINER	
PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			ERB, NATHAN	
			ART UNIT	PAPER NUMBER
			3639	

DATE MAILED: 08/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/081,263

Applicant(s)

MOY ET AL.

Examiner

Nathan Erb

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 6-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☒ Claim(s) 3 and 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 June 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>20060306</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicants' election without traverse of Group I, claims 1-5, in the reply filed on 2-16-2006 is acknowledged.
2. Claims 6-12 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 2-16-2006.
3. Applicants are reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

### ***Claim Objections***

4. Claims 3 and 5 are objected to because of the following informalities:
  - a. In the fourth line of claim 3, please replace the word "modules" with -- module's--.
  - b. In the sixth line of claim 5, please remove the word "a."

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 and 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Francisco, U.S. Patent No. 4,942,535, in view of Tilles et al., U.S. Patent No. 5,518,122.

As per **Claim 1**, Francisco discloses:

- a modular system (column 4, lines 42-64);
- at least one module (column 4, lines 42-64);
- a module sensor associated with each module to sense objects fed to the module (column 6, lines 20-33; column 7, lines 44-61);
- a communication system wherein said module senses objects being transported therein and communicates information including event information to another module (column 9, line 54, through column 10, line 7; column 15, line 55, through column 17, line 23; the event information in this case is that the module's local feeding is over).

Francisco fails to disclose including information on the distance between a position of the sensor and at least one edge of the module. Tilles et al. discloses including information on the distance between a position of the sensor and at least one edge of the module (column 7, lines 30-55; the one module was addressed earlier in this rejection; when calculating arrival time, the distance to be traveled by the item would have to be taken into account and that distance would incorporate any applicable distances from sensor to module edge; therefore, that distance value is implicitly disclosed by the reference). It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of Francisco such that it includes information on the distance between a position of the sensor and at least one edge of the module,

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as disclosed by Tilles et al. Tilles et al. provides motivation in that calculating arrival time, which incorporates any applicable distances from sensor to module edge, can help detect jams (column 7, lines 30-55).

Francisco fails to disclose information being velocity and distance. Tilles et al. further discloses information being velocity and distance (column 7, lines 30-55; when calculating arrival time of the item, velocity and distance of the item would have to be taken into account, at least indirectly). It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of Francisco as modified above in this rejection such that information includes velocity and distance, as disclosed by Tilles et al. Tilles et al. provides motivation in that calculating arrival time, which at least indirectly takes into account velocity and distance of the item, can help detect jams (column 7, lines 30-55).

As per **Claim 3**, Francisco further discloses: the one module coupled to at least the one additional module wherein the communication system includes a bus node coupled to each module's processor system, wherein actors and sensors within each module are coupled to the processor system, wherein the bus node is connected via an outside bus segment to the bus node of an upstream module and coupled to a second end of the outside bus segment to the bus node of a downstream module (Figure 5; Figure 6; column 11, line 26, through column 12, line 50).

As per **Claim 4**, Francisco further discloses: wherein a computer within one of the modules is coupled to the communication system as the host node, the host computer including a data memory for storing information that uniquely (a) identifies each authorized module within a

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system and (b) uniquely identifies the modules employed and (c) uniquely identifies the upstream to downstream positions occupied by each module as a condition for gaining access to the system (column 2, line 59, through column 3, line 19; column 4, lines 42-64).

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Francisco in view of Tilles et al. in further view of Brown, U.S. Patent No. 5,205,091. Francisco further discloses: modules being upstream and downstream modules (column 2, lines 32-58; column 4, lines 42-64). Francisco and Tilles et al. fail to disclose a second module mechanically coupled to the one module by an alignment plate, wherein the alignment plate includes at least one socket mechanically mated with at least one foot of the one module and at least one socket mechanically mated with at least one foot of the second module. Brown discloses a second module mechanically coupled to the one module by an alignment plate, wherein the alignment plate includes at least one socket mechanically mated with at least one foot of the one module and at least one socket mechanically mated with at least one foot of the second module (column 23, line 60, through column 24, line 68). It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of Francisco as modified in the rejection for claim 1 such that a second module is mechanically coupled to the one module by an alignment plate, wherein the alignment plate includes at least one socket mechanically mated with at least one foot of the one module and at least one socket mechanically mated with at least one foot of the second module, as disclosed by Brown. Brown provides motivation in that an alignment plate, here the floor, can hold items (column 23, line 60, through column 24, line 68).

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Francisco in view of Tilles et al. in further view of Blaszczyk et al., U.S. Patent No. 5,855,494. Francisco and

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Tilles et al. fail to disclose wherein the one module is coupled to a main external power cord to an electrical power source and a second and any additional modules are connected to a power source by a secondary power cord coupled from a powered module to an adjacent module thereby permitting each module to be moved from one position to another within the modular system. Blaszczyk et al. discloses wherein the one module is coupled to a main external power cord to an electrical power source and a second and any additional modules are connected to a power source by a secondary power cord coupled from a powered module to an adjacent module thereby permitting each module to be moved from one position to another within the modular system (Figure 2; column 1, lines 33-48). It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of Francisco as modified in the rejection for claim 1 such that the one module is coupled to a main external power cord to an electrical power source and a second and any additional modules are connected to a power source by a secondary power cord coupled from a powered module to an adjacent module thereby permitting each module to be moved from one position to another within the modular system, as disclosed by Blaszczyk et al. Blaszczyk et al. provides motivation in that the reference's cord configuration helps overcome the problem of individual power cords becoming entangled because of the length and large number of cords being in close proximity to one another (column 1, lines 13-29).

Francisco, Tilles et al., and Blaszczyk et al. fail to disclose wherein the electrical power source is a public electrical power utility. However, that element/limitation was well-known in the art at the time of applicants' invention. It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of Francisco as modified in the

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rejection for claim 1 and as modified above in this rejection such that the electrical power source is a public electrical power utility, as was well-known in the art at the time of applicants' invention. Motivation is provided in that it was well-known to a person of ordinary skill in the art at the time of applicants' invention that public electrical power utilities are a common choice for an electrical power source.

### *Conclusion*

9. **Examiner's Note:** Examiner has cited particular portions of the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Erb whose telephone number is (571) 272-7606. The examiner can normally be reached on Mondays through Fridays, 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

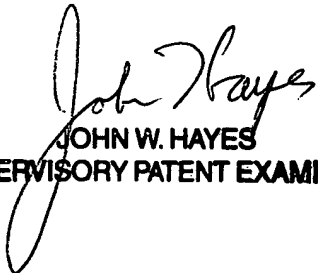


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nathan Erb  
Examiner  
Art Unit 3639

nhe

  
**JOHN W. HAYES**  
**SUPERVISORY PATENT EXAMINER**